



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GROVER SELLERS
ATTORNEY GENERAL

Honorable J. Stanley Wright, Member
Texas Board of Chiropractic Examiners
Littlefield Building
Austin, Texas

0-5781

Dear Sir:

Opinion No. 0-5781
Re: Authority of the Texas
Board of Chiropractic
Examiners to send a Board
member to inspect out-of-
state schools for classi-
fication purposes.

Your recent letter requesting the opinion of this department on the above stated matter, reads, in part, as follows:

"There are several chiropractic schools located in other states about which the Board has been unable to secure adequate information.

"The Board is at present holding up a number of licenses for applicants from such colleges for the reason that the Board is not satisfied with the knowledge it has of the credibility of such schools. Question: Is the Board entitled to send one of its members to investigate these out-of-state schools for the purpose of determining whether such schools meet the requirements set out in the Act?

"If the answer is yes: How is the Board to pay such member? In other words, what expenses would the Board be entitled to allow such member for traveling out of the state and the performance of such duties and what would they be allowed to pay him as a per diem for conducting an investigation of such schools?"

We answer your first question, "Yes."

Honorable J. Stanley Wright, page 2

Section 7 of the Act regulating the practice of chiropractors in Texas, Laws 48th Legislature (1943), Regular Session, Chapter 359 (Vernon's Annotated Civil Statutes, Article 4512a, Section 9) provides, in part, that:

" . . . No school of chiropractic shall be deemed recognized unless and until it shall be so classified by the Board, and the Board shall have authority and it is hereby made its duty to so act. All classifications shall be based upon evidence deemed sufficient by the Board. Classifications otherwise made shall be without effect. In making such classifications the Board may act upon any evidence introduced before it, including the personal knowledge and testimony of its members or any of them, or upon reports of inspectors appointed by the Board or other disinterested, impartial persons of good character, possessing sufficient knowledge, skill and ability to make the said inspections and reports. All reports of inspectors shall be in writing, verified by affidavit, and shall be prima facie evidence of the truth of the statements contained therein. Any member of the Board may be appointed as inspector; but no member of the Board shall be required to serve as inspector unless he voluntarily elects to do so. It shall be the duty of the Board to make classification of any Chiropractic School named in an application for license to practice Chiropractic." (Emphasis ours)

Answering your second question, Section 2 of the Act provides:

" . . . a per diem of Ten Dollars (\$10) to each member of the Board for such time as is actually spent in the discharge of official duties, plus traveling expenses of Ten Cents (10¢) per mile. Such salaries and expenses shall be paid out of said fund by the State Treasurer on the warrants of the Comptroller of Public Accounts, on vouchers approved by the Board. . . ."

A Board member making such inspection is within the discharge of his official duties and is entitled to receive the per diem and mileage provided by the Act. Especially is this

Honorable J. Stanley Wright, page 3

true since the appropriation bills do not contain any appropriation for the State Board of Chiropractic Examiners and we therefore must look only to the provisions of the Act itself. In this connection we especially desire to direct your attention to the attached copy of Opinion No. ~~9-5589~~ rendered by this department on November 19, 1943, to Dr. Myers, and which opinion is made a part of this one. 10-5589

Yours very truly

APPROVED FEB 9 1944

Wm. H. Bell

ATTORNEY GENERAL OF TEXAS

ATTORNEY GENERAL OF TEXAS

David Wuntch

By

David Wuntch
Assistant

DW:db

Enclosure

J.C.C.

